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DEPARTMENT OF EDUCATION "POINT OF CONTACT" **APRIL 2007 NEWSLETTER**

Alabama Task Force Submits Report on Seat Belts

The committee that Alabama Governor Bob Riley appointed to study the question of school bus occupant protection following the Huntsville crash issued its report this week. The report is based largely on hearings the committee held last month, where fifteen expert witnesses invited by the committee, two bus drivers, and five members of the public testified. The report echoes what most industry experts have said, and what the NSTA Board has adopted as its position. It stresses the fact that school buses are the safest mode of travel for students, and that any requirement for lap/shoulder belts must be accompanied with enough funding to ensure that no student is displaced from a school bus. It says that unless the following three components are part of the legislation to require lap/shoulder belts, then the status quo should be maintained:

1. More buses, drivers, and support are added so that the number of riders remains the same;
2. Drivers are provided legal immunity for any misuse or non-use of belts by riders; and
3. Students receive instruction and practice, both in the classroom and on the bus, in the proper adjustment and use of the belts.

The committee makes two recommendations in the report. The first is that the state legislature and the Governor urge Congress to direct NHTSA to accelerate their rulemaking on occupant protection. As you know, NHTSA reported in 2002 that it was considering rulemaking to raise seat back heights in large buses, require lap/shoulder belts in small buses, and promulgate standards for the voluntary installation of seat belts in large buses. In his testimony to the committee, Roger Saul of NHTSA said that he expects the NPRM will be published in 2008, with a final rule in 2010-2011, and an implementation date three years later. The committee believes that is unacceptably long.

The second recommendation is that the state undertake a three-year pilot program to study the use of lap/shoulder belts in buses. The study would be funded by the state, and funding would cover all costs associated with the reduced capacity of belt-equipped buses. The committee estimates the FY 2008 cost for the pilot project at \$750,000. That includes ten new buses, plus five additional buses for capacity replacement with their drivers, fuel, and monitors to ensure proper use of the belts. The second and third year costs are lower, since they cover only the operating expenses of the additional buses. Total cost of the project is projected at \$1.4 million.

A couple of interesting data points in the report are that about 50% of Florida's school bus fleet is now equipped with lap belts, following the 2001 implementation date of their law. And in California, about 3% of the fleet now has lap/shoulder belts as a result of their 2005 implementation date. Since the law applies only to new buses, some districts in California are buying used buses to avoid having belts.

Privatization under Attack in State Legislatures

In our monitoring of state legislatures, we have seen bills in at least five states this year that would establish barriers to privatization of school transportation services. These bills are part of the arsenal that the unions—particularly S.E.I.U.—are using in their continuing battles against outsourcing by boards of education.

We know of bills in Arkansas, Connecticut, Illinois, Oregon, and Minnesota that have union fingerprints on them. The Arkansas and Connecticut bills have been amended from their initial language to the point where they are no longer particularly threatening. But the other two are still in their original form, which construct so many barriers that they make it prohibitive for a school district to out source.

For example, the Illinois bill (HB 1347), which has already passed the Labor Committee, requires a school board to give six months' notice of the first of two public hearings required to discuss any consideration of outsourcing. It also prohibits a board from entering into a contract during the term of any bargaining agreement with affected workers, and requires the contractor to provide three year cost estimates for every individual expense category, which cannot be increased. The

Oregon bill sets up similar barriers and requires contractors to acknowledge the card check organizing process. It also applies to renewal of contracts as well as new conversions. The Minnesota bills (SB 1673, HB 2024) are even more restrictive. In fact, they are so obviously pro-union that it is hard to believe that legislators would take them seriously. For example, some of the provisions of the bill are:

- No contracts may exceed two years;
- Boards must certify that a contract will save at least 15% over current costs, taking into account any amendments to bargaining agreements proposed by the union;
- Wages and benefits must equal the average wages and benefits of the nearest public-operated district; • Contractors must make a series of disclosures about their businesses, employees, and political contributions;
- The state will provide \$10 million to create an interdistrict transportation authority for Minneapolis and St. Paul school districts to purchase buses and a facility in order to operate those routes currently operated by private contractors.

The authority must have a bargaining agreement with the union representing the largest number of drivers in the state. MSBOA tells us that these bills did receive a hearing last year, but died in committee. They are unfortunately back again—which is a testament to the tenacity of S.E.I.U. This union does not give up easily, and once they have made gains, they are very difficult to undo. Public-employee unions were successful in passing a bill in California in 2002 to limit outsourcing of non-instructional services by boards of education. There have been five attempts to repeal the law since then, and all have failed, even with the Governor's strong support. A California state report and legislative analysis indicate that the anti-privatization bill is costing school districts \$250 million annually; and that contracting transportation alone would save \$1 million per 20,000 students. This initiative is much more threatening than last year's 65% solution, but so far it has not raised the kind of alarm among boards of education that led to the defeat of First Class Education.

RECALLS

IC CE, FE, and RE, 2007-2008 models. The air supply fitting may separate from the base plate, preventing actuation of air to the stop arm and/or crossing gate, resulting in nondeployment. IC will repair the affected equipment. Notification of owners is expected to begin April 6.

Blue Bird Vision, MY 2007-2008, equipped with Ricon wheelchair lifts. Some buses fail to comply with FMVSS #403 for platform lift systems. The inner barrier interlock lift switch system in the lift base plate may not detect the presence of a passenger on the barrier and can allow the platform to move down more than one inch below floor level when occupied. This condition could result in personal injury to platform occupants. Blue Bird is working with Ricon to repair the lifts. The recall began in late February.

Corbeil Minibus and MFSAB, MY 2006, equipped with Ricon 2000 or 5500 wheelchair lifts. See above.

Thomas Built Minotaur, MY 2006-2007, equipped with a wheelchair lift option. Plastic zip ties around the wheelchair interlock switches may prevent the switch from operating, defeating the interlock function and allowing the vehicle to be driven with the lift deployed. Thomas will inspect the buses and remove the plastic ties. Notification will begin this month.

Thomas Built C2 Safe-TLiner, MY 2007. Under certain circumstances, the parking brake or work brake in some buses may fail, allowing the vehicle to roll, possibly resulting in a crash or personal injury. Also, the stop lamps may intermittently fail to illuminate when the brake is applied. Freightliner will repair the buses. Notification of owners is expected to begin on April 6.

US Bus Universe and Studibus, MY 2005-2006. The buses fail to conform to FMVSS #110, Tires and Rims. The buses are missing the tire and loading decals. US Bus will mail the decals to owners beginning this month.

IC CE, RE, and FE model year 2004-2007, with side emergency doors. The side emergency door holdback mechanism may not be installed in the proper place, causing the mechanism to hold the door in the closed position. This would defeat the intended emergency function of the door, possibly resulting in death or injury. IC will repair the affected buses. Notification to owners is expected to begin on April 6.

US Bus Sturdibus, MY 2003- 2006. Certain of these buses fail to comply with FMVSS 210, seat belt anchorages. In the event of a crash, the seats attached to the floor track can detach, possibly resulting in injuries. US Bus will repair the defect. Notification of owners was expected in February or March.

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